

Exhibit 1

file
**Perkins
Coie**

David J. Burman
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December 12, 2002

Sean R. Matt
Hagens Berman LLP
1301 Fifth Avenue
Seattle, WA 98101

VIA FACSIMILE

**Re: In re Pharmaceutical Industry Average Wholesale Price Litigation
MDL No. 1456, Civil Action No. 01-CV-12257-PBS**

Dear Sean:

This letter confirms our exchange of voicemail messages this week, in which you followed up on my call to Tom Sobel last week. Once the Protective Order has been entered by the Court, Immunex is prepared to produce approximately 90 boxes of documents for your review in Seattle. Pursuant to Case Management Order No. 5, these are documents that were previously produced by Immunex to a federal or state governmental entity in connection with any investigation, or in other legal proceedings, regarding Immunex's use of "AWP." There are four separate matters, and there were two productions in one of the matters. As I mentioned to you, there is substantial overlap in three of the five productions.

The Immunex documents will be made available for your review at our litigation support facility in the Galland Building. The documents contain bates numbers from the prior proceedings. You may designate documents for copying by the use of start/stop sheets, or by providing us with an index range of the documents using the existing bates numbers. In producing copies for you, we will have a new bates number applied for purposes of this litigation.

[06735-0051/SL023460.022]

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Of great importance to Immunex is the fact that the vast majority of these documents are "Highly Confidential" within the meaning of the Protective Order, i.e., Immunex believes them to contain information about the methods of pricing of pharmaceuticals, marketing plans and methods, business planning and financial information, trade secrets, company personnel or employee information, and other highly confidential information. As I mentioned to Mr. Sobel, the confidentiality of the information is particularly important to Immunex due to obligations Immunex has to other companies that now have these product lines.

Due to the delay following Mr. Sobel's letter, the continuing negotiations as to the details of the Protective Order, the large quantity of Immunex documents to be produced, and the amount of duplication in that production, we have not yet designated documents as "Confidential" or "Highly Confidential" within the meaning of the Protective Order. Thus, our production must be conditioned upon your agreement to treat all of the documents as "Highly Confidential" at this time, and we will make our confidentiality designations after you have selected documents for copying. Although you will not be able to make any interim copies of the documents, you can certainly prepare notes on your document review. Of course, any substantive notes must be considered to contain Highly Confidential information. As a practical matter, and depending upon when you complete your selection of documents, the confidentiality designations may not be finalized until into the new year, because Immunex is closed from December 20, 2002 until January 2, 2003.

We look forward to hearing from you. Please contact me or Katie O'Sullivan.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David J. Burman', with a long horizontal flourish extending to the right.

David J. Burman

Exhibit 2



Kathleen M. O'Sullivan
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May 23, 2003

Sean R. Matt
Hagens Berman LLP
1301 Fifth Avenue
Seattle, WA 98101

VIA MESSENGER

**Re: In re Pharmaceutical Industry AWP Litigation,
MDL No. 1456, Civil Action No. 01-CV-12257-PBS**

Dear Sean:

Enclosed please find six boxes of documents that your colleagues selected for copying and production. The documents contain both their original bates number (e.g., "IMNX____") and a bates number that applies to this entire production ("IAWP____"). We numbered every document made available for your review with the "IAWP" series, including the substantial quantity of documents that you did not select for copying. The boxes contain documents with the following bates numbers:

Box 1: IAWP 004625-08670 (IMNX 004631-008677)

Box 2: IAWP 008671-11218 (IMNX 008678-011225)

Box 3: IAWP 011219-15438 (IMNX 011226-015445)

Box 4: IAWP 015505-21707 (IMNX 015496-021716)

Box 5: IAWP 021708-28346 (IMNX 021717-028354)

[06735-0051/SL031430.122]

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Box 6: IAWP 028347-28996 (IMNX 028355-029003) and IAWP 029857-032687 (I00001-2831).

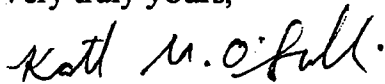
Due to an error by our vendor, documents within the range of IAWP 000001 – 004624 are not available for production today, but will be available early next week.

As you know, Immunex made available approximately 90 boxes of documents for your review shortly after the Court entered the Protective Order on December 13, 2002. We informed you in a letter dated December 12, 2002, that due to the timing of the entry of the Protective Order, we were making these documents available for your review prior to our review and designation of the documents as "Highly Confidential" or "Confidential" within the meaning of the Protective Order. Your document review then took over four months -- until April 23, 2003 -- to be completed, and we have been diligently working to complete our confidentiality review since that date, although we have not yet finished that task.

The documents are being produced on a rolling basis, at the request of your partner, Ed Notargiacomo. We estimate that additional documents will be produced early next week, and all remaining documents produced in the following week.

We have discovered that, within the approximately 90 boxes of documents, a small number of privileged documents were inadvertently included. At Immunex's request, most of these documents have already been returned to Immunex by the government entities to which they were originally produced. Their initial "production" for your review in no way constitutes a waiver of the attorney-client privilege. Immunex will not be producing any of these privileged documents.

Very truly yours,



Kathleen M. O'Sullivan

KMO:kmo

cc: David J. Burman

Exhibit 3



Kathleen M. O'Sullivan
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May 28, 2003

Sean R. Matt
Hagens Berman LLP
1301 Fifth Avenue
Seattle, WA 98101

VIA MESSENGER

**Re: In re Pharmaceutical Industry AWP Litigation,
MDL No. 1456, Civil Action No. 01-CV-12257-PBS**

Dear Sean:

Enclosed please find three additional boxes of documents that your colleagues selected for copying and production. The boxes contain documents with the following bates numbers:

Box 7: IAWP000017-004624 (IMNX000017-4630)

IAWP 014534-014542 (IMNX014541-49), IAWP 015407-015427 (IMNX015414-34), IAWP 016462-016465 (IMNX016469-72), IAWP 016488-016493 (IMNX016495-500), IAWP 016494-016496 (IMNX016501-03), IAWP 016626-016637 (IMNX016633-44), IAWP 016851 (IMNX016858), and IAWP 018049-018058 (IMNX018058-67). These documents were missing from the production on May 23rd.

Box 8: IAWP034137-041012 (I04281-11155)

Box 9: IAWP041013-051191 (I11156-21332), IAWP051474-051480 (I100001-07) and IAWP058200-059685 (IMCA006450-007935).

[06735-0051/SL031480.085]

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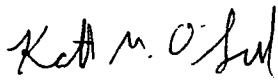
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May 28, 2003

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As indicated in my letter of Friday, May 23, we will continue to produce the remaining documents that you requested on a rolling basis.

Very truly yours,


Kathleen M. O'Sullivan

KMO:kmo

cc: David J. Burman

Exhibit 4



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June 5, 2003

Sean R. Matt
Hagens Berman LLP
1301 Fifth Avenue
Seattle, WA 98101

VIA MESSENGER

**Re: In re Pharmaceutical Industry AWP Litigation,
MDL No. 1456, Civil Action No. 01-CV-12257-PBS**

Dear Sean:

In response to your request of earlier today, enclosed please find the subpoenas duces tecum that Immunex received from various governmental entities regarding the use of AWP. The documents made available to you as of December 2002, pursuant to Judge Saris' CMO No. 5, were the documents that Immunex previously produced in response to those subpoenas.

Very truly yours,

Kathleen M. O'Sullivan

KMO:eg

cc: David J. Burman

[06735-0051/SL031560.271]

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